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GP1714
RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1714
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

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Corres. and Mail
BOX AF

CASE NO.: IJ-0005

SERIAL NO.: 09/120,608

GROUP ART UNIT: 1714

FILED: JULY 22, 1998

EXAMINER: C. SHOSHO

FOR: Water Insoluble Non-Ionic Graft Copolymers

RESPONSE AFTER FINAL REJECTION

Assistant Commissioner for Patents
Washington, DC 20231

OK to enter
C.S.
7/18/00

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Sir:

This is in response to the Final Office Action mailed April 10, 2000 having a period for reply set to expire on July 10, 2000. This Response is being timely filed within the allotted time period.

REMARKS

The claims are 6-12. No amendments are made and no new matter is added.

Rejections Under 35 USC §103(a)

Claims 6-12 stand rejected under 35 USC §103(a) as unpatentable over Ma et al., EP 0 851 014 ("Ma '014") in view of Ma et al., 5 085 698 ("Ma '698"). The rejection is respectfully traversed as being incomplete, contrary to the express teachings of Ma'014 and as not resulting in a composition that meets the features recited in the claims.

Ma '014 teaches an ink composition containing aqueous medium, pigment, dispersant and hydrosol polymer. The hydrosol polymer, as noted by the Office, may be a graft copolymer. Ma '014 teaches the hydrosol polymers to be "water-insoluble polymers". (Page 4, line 11).

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231 ON July 6, 2000

KATHY A. COULBOURN
NAME OF PERSON SIGNING THIS CERTIFICATE

The Office states that the difference between Ma '014 and the claimed invention is the recitation of specific solvents and a requirement that the ink be washfast. The Office then points to the teachings of Ma '698 for the solvents and argues that the inks of Ma '014 are inherently washfast. Nowhere in the rejection does the Office mention or address the feature recited in the claims that the graft polymer binder be soluble in the aqueous vehicle, but insoluble in water. Thus, the rejection is incomplete, improper and must be withdrawn. In addition, because the rejection is incomplete, Applicants submit that the finality of the Office Action must also be withdrawn.


The teachings of Ma '014, contrary to those of the present invention, require that the hydrosol polymer be insoluble, not only in water, but also in the aqueous medium. The Office is directed, for example, to page 4, lines 11-12 where Ma '014 teaches that the hydrosol polymers are "dispersed as a separate phase in the aqueous carrier medium." The Office will appreciate that, if the hydrosol polymer was soluble in the medium, it would be dissolved (not dispersed) and would form a single phase (not a separate phase). Moreover, at page 4, lines 26-29, Ma '014 specifically states that the hydrosol should not be soluble in the aqueous medium because that would result in a loss of smear resistance. Accordingly, contrary to the Office position, the simple fact that both the hydrosol polymers of Ma '014 and the binders of the present invention are graft copolymers and are prepared from similar monomers, does not mean they are "identical." In fact, they have different properties and are different polymers. Furthermore, no matter what solvent substitutions the skilled artisan may be inclined to try based on Ma '698, Applicants submit that the teachings of Ma '014 would require the graft copolymer to be insoluble in the aqueous medium. Such polymers fail to meet the recited features in the claims.

Moreover, Applicants submit that the demonstrated fact that the polymers of Ma '014 and the present polymer binders have different solubility properties effectively refutes the Office assumption that the inks of Ma '014 are inherently washfast.

Reconsideration and withdrawal of the rejection are respectfully solicited.

In view of the foregoing, as well as the fact that all prior rejections have been overcome, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,


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Dated: 6 July 2000